

Art Unit: 2624

DETAILED ACTION

1. This action is responsive to papers filed on 5/4/09.

Response to Amendment

2. In response to applicant's amendment received on 5/4/09, all requested changes to the specification and claims have been entered. Claims 2, 4 and 17-27 have been cancelled.

Currently claims 1, 3 and 5-16 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows (see also MPEP 2106):

Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. Sec. 101. Certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. Sec. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequence, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

Art Unit: 2624

Claims 13-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 13-16 recite “printed material” which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se. Non-functional descriptive is non-statutory regardless of whether it is claimed as residing on a computer readable medium.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Regarding Claims 13-16 please refer to the MPEP 2113 with regards to product-by-process

claims.

Art Unit: 2624

5. Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 2,811,893 to Ryan.

As to claim 13, Ryan discloses printed material for stereoscopic viewing (*column 1, lines 15-21*) fabricated by the method as defined in claim 1.

As to claim 14, please refer to the rejection of claim 13 above.

As to claim 15, Aubrey discloses printed material for stereoscopic viewing *column 1, lines 15-21*) fabricated by copying printed materials for stereoscopic viewing fabricated by the method as defined in claim 1.

As to claim 16, please refer to the rejection of claim 15 above.

6. Claims 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,614,427 to Aubrey (already of record).

As to claim 13, Aubrey discloses printed material for stereoscopic viewing (*column 5, lines 21-57*) fabricated by the method as defined in claim 1.

As to claim 14, please refer to the rejection of claim 13 above.

Art Unit: 2624

As to claim 15, Aubrey discloses printed material for stereoscopic viewing (*column 5, lines 21-57*) fabricated by copying printed materials for stereoscopic viewing fabricated by the method as defined in claim 1.

As to claim 16, please refer to the rejection of claim 15 above.

Allowable Subject Matter

7. Claims 1, 3 and 5-12 are allowed.

The following is an examiner's statement of reasons for allowance:

8. As to claims 1 and 3, none of the prior art teach or fairly suggest the limitations of removing perspective of left and right images at a first and second base surface which have a predetermined angle with respect to the each other, in combination with the other limitations of the claims. The prior art of Aubrey, already of record, discloses a method of fabricating printed material for stereoscopic viewing comprising removing perspective of left and right images at a first base surface in the images. However, Aubrey does not teach or fairly suggest a second base surface having a predetermined angle with respect to a first base surface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 2624

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON W. CARTER whose telephone number is (571)272-7445. The examiner can normally be reached on 9am - 5:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron W Carter/
Primary Examiner, Art Unit 2624